

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C. 20436

_____)	
In the Matter of)	
)	Investigation No. 337-TA-333
CERTAIN WOODWORKING ACCESSORIES)	
_____)	

ORDER

On November 25, 1991, Cantlin, Inc. ("Cantlin") of Lincoln, Massachusetts filed a complaint and a motion for temporary relief with the Commission pursuant to section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337). Cantlin's complaint alleged violations of section 337 in the importation and sale of certain woodworking accessories. The complaint alleged infringement of all 18 claims of Cantlin's U.S. Letters Patent 4,805,505 ("the '505 patent") by four firms: (1) Woodever Products Co., Ltd. ("Woodever") of Taiwan; (2) Taiwan Zest Industrial Co., Ltd. ("Taiwan Zest") of Taiwan; (3) Trend-Lines, Inc. ("Trendlines") of Malden, Massachusetts; and (4) An Yun Industrial Co., Ltd. ("An Yun") of Taiwan. On December 30, 1991, the Commission voted to institute an investigation of Cantlin's complaint and to provisionally accept its motion for temporary relief and refer that motion to an administrative law judge ("ALJ"). Woodever, Taiwan Zest, Trendlines, and An Yun were named respondents. A notice of investigation was published in the Federal Register on January 6, 1992. 57 Fed. Reg. 416. The motion for temporary relief was later dismissed.

Respondents Taiwan Zest and Woodever were terminated on the basis of a consent order. Respondent Trendlines was found not to be a proper party to the investigation.

On April 3, 1992, the presiding ALJ issued an initial determination ("ID") finding respondent An

Yun in default. The Commission determined not to review that ID. 57 Fed. Reg. 20505 (May 13, 1992).

On October 13, 1992, Cantlin declared that, pursuant to Commission Permit rule 210.25(c) (19 C.F.R. § 210.25(c)), it sought a limited exclusion order directed against respondent An Yun.

The Commission solicited comments from the parties, interested government agencies, and other persons concerning the issues of remedy, the public interest, and bonding as they relate to defaulting respondent An Yun. 57 Fed. Reg. 53337 (November 9, 1992).

Section 337(g)(1) of the Tariff Act of 1930 provides that the Commission shall presume the facts alleged in a complaint to be true, and upon request issue a limited exclusion order and/or cease and desist order if: (1) a complaint is filed against a person under section 337, (2) the complaint and a notice of investigation are served on the person, (3) the person fails to respond to the complaint and notice or otherwise fails to appear to answer the complaint and notice, (4) the person fails to show good cause why it should not be found in default, and (5) the complainant seeks relief limited solely to that person. Such an order shall be issued unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, the Commission finds that such exclusion should not be issued.

Each of the statutory requirements for the issuance of a limited exclusion order has been met with respect to defaulting respondent An Yun. The Commission has further determined that the public interest factors enumerated in section 337(g)(1) do not preclude the issuance of such relief. The Commission has established that the bond under the limited exclusion order during the Presidential review period shall be in the amount of one hundred (100) percent of the entered value of the imported articles.

Accordingly, it is hereby **ORDERED THAT** --

1. Woodworking accessories manufactured or imported by or for An Yun Industrial Co., Ltd. of Taichung, Taiwan, or any of its affiliated companies, parents, subsidiaries, licensees, contractors, or other related entities, or their successors or assigns, that are covered by any of claims 1-18 of U.S. Letters Patent 4,805,505, are excluded from entry into the United States for the remaining term of the patent, except under license of the patent owner.
2. In accordance with 19 U.S.C. § 1337(l), the provisions of this Order do not apply to woodworking accessories imported by or for the United States.
3. The items identified in paragraph 1 of this **Order** are entitled to entry into the United States under bond in the amount of one hundred (100) percent of their entered value from the day after this **Order** is received by the President, pursuant to 19 U.S.C. § 1337(j), until such time as the President notifies the Commission that he approves or disapproves this Order, but in any event, no later than 60 days after the date of receipt of this Order by the President.
4. The Commission may amend this **Order** in accordance with the procedure described in section 211.57 of the Commission's Interim Rules of Practice and Procedure, 19 C.F.R. § 211.57.
5. A copy of this **Order** shall be served upon each party of record in this investigation and upon the Department of Health and Human Services, the Department of Justice, and the Federal Trade Commission.
6. Notice **of this Order** shall be published in the Federal Register.

By order of the Commission.

Paul R. Bardos
Acting Secretary

Issued: January 4, 1993

CERTIFICATE OF SERVICE

I, Paul R. Bardos, hereby certify that the attached CONSENT ORDER TO BE NOTICE OF ISSUANCE OF LIMITED EXCLUSION ORDER WAS SERVED upon Jeffrey R. Whieldon, Esq. and the following parties via first class mail, and air mail where necessary on January 4, 1993.

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